

ORDINANCE NO. 866

AN ORDINANCE OF THE CITY OF OYSTER CREEK, TEXAS, AMENDING UTILITY RATES; AND PROVIDING A SAVINGS CLAUSE, SEVERANCE CLAUSE, AND EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OYSTER CREEK, TEXAS:

1. Section 12-4.1 of the Oyster Creek Code of Ordinances is hereby enacted to read as stated on Exhibit "A", which is attached hereto and incorporated in full.

1. Section 12-12 of the Oyster Creek Code of Ordinances is hereby amended to read as stated on Exhibit "A", which is attached hereto and incorporated in full.

2. All other ordinances and portions of ordinances of the City of Oyster Creek shall remain in full force and effect.

3. If any part of this ordinance, of whatever size, is ever declared invalid or unenforceable for any reason, the remainder of this ordinance shall remain in full force and effect.

4. This ordinance shall be **effective on November 15, 2021**.

PASSED AND APPROVED on October 21, 2021.

CITY OF OYSTER CREEK, TEXAS

By: \_\_\_\_\_

  
JUSTIN MARK MILLS,  
MAYOR

ATTEST:



ANDREA FORD,  
CITY SECRETARY

**EXHIBIT “A”**  
**SECTION 12-4.1 OF**  
**THE OYSTER CREEK CODE OF ORDINANCES**

**Sec. 12-4.1. – Shared meters and taps prohibited; exceptions.**

(a) No business, residence, or building may share a water meter, water tap, or sewer tap with another, except as provided by subsection (b).

(b) Exceptions.

(1) This section does not require separate meters or taps where all of the following are satisfied: (i) lawful outbuildings, for example a garage or storage shed, (ii) that are accessory buildings to the main residential or business building on the same lot or tract, (iii) and are used in connection with the main residential or business building on the same lot or tract, (iv) provided that the main residential or business building on the same lot or tract has lawful water and sewer taps with a lawful water meter.

(2) This section does not require separate meters or taps for separate hotel/motel rooms or spaces in a recreational vehicle park.

(3) This section does not apply to a shared meter lawfully in place on November 4, 2021.

## EXHIBIT "B"

### SECTION 12-12 OF THE OYSTER CREEK CODE OF ORDINANCES

- **Sec. 12-12. - Water, sewer and solid waste service fees inside municipality.**

- (a) *Rates for residential water service.* The monthly rates for furnishing water to residential premises by the municipality shall be the following:
  - (1) For the first **2,000** gallons (which shall also be the minimum charge), **15.60**; and
  - (2) For water in excess of **2,000** gallons, **\$4.01** per each 1,000 gallons or fraction thereof.
- (b) *Rates for commercial water service.* The monthly rates for furnishing water to any premises not wholly used as a residence shall be the following:
  - (1) For the first **5,000** gallons (which shall also be the minimum charge), **\$36.00**; and
  - (2) For water in excess of **5,000** gallons, **\$4.01** per each 1,000 gallons or fraction thereof.
- (c) *Multiple water connections.*
  - (1) *Scope and application.*
    - (i) This subsection does not authorize any shared tap or meter that is prohibited by **section 12-4.1** or any other law.
    - (ii) This subsection does not apply to an outbuilding that lawfully shares a water or sewer tap or water meter under **subsection 12-4.1(b)(1)** (accessory buildings).
    - (ii) Regardless of any other provision, recreational vehicle parks, hotels, and motels are billed as one commercial unit, not a multiple connection bill.
  - (2) *Definition of "unit."* The term "unit" in this section means, the following, but only within the scope of this subsection, as provided by paragraph 12-12(c)(1):

- a. Each authorized space (whether or not occupied) sharing a water meter in a manufactured home park;
- b. Each dwelling unit or place of business (whether or not occupied) sharing a water meter in a building used for multifamily dwellings (other than a hotel or motel) or multiple places of business; and
- c. Each manufactured home, other residence, or business sharing a water meter.

*(3) Rates for multiple water connections*

(a) The amount of water included for the minimum bill for an account with multiple units shall be calculated as: (2,000 gallons x the number of residential units sharing the meter) + (5,000 gallons x the number of commercial units sharing the meter).

(b) The minimum water bill for an account with multiple units shall be calculated as: (the residential minimum bill amount x the number of residential units sharing the meter) + (the commercial minimum bill amount x the number of commercial units sharing the meter).

(c) For water in excess of the quantity included in the minimum bill for an account with multiple units, the rate shall be \$4.01 for each 1,000 gallons or fraction thereof.

(c-1) *Automatic rate increases with BWA rate increases.* Each time Brazosport Water Authority raises the water rates it charges the City of Oyster Creek, utility rates in this section 12-12 shall automatically be raised by the same amount, expressed as a rate per 1000 gallons or portion thereof, effective at the start of the first city water meter reading cycle after the effective date of the Brazosport Water Authority increase.

“(d) *Rates for sewer and solid waste collection service:*

“(1) *Sewer service.* For each month sewer service is furnished to any premises connected to the sewer system, the monthly charge shall be eighty (80) percent of the charge for water services furnished to such premises, except to the extent that a higher fee is negotiated for a customer outside the city limits. Provided, however, upon the prior written request of the owner or occupant of any residential premises, during the months of July through September, inclusive, of 1985, and during the months of April through September, inclusive, of 1986, and all subsequent years, the rate for sewer service furnished to such premises shall be the average charge for sewer service furnished to such premises during the twelve (12) months next preceding July of 1985, and April of 1986 and all subsequent years. Provided further, such written request must be filed prior to July 10, 1985, and prior to the first day of April, 1986, and all subsequent years.”

(2) *Rates for solid waste collection service.* For each month solid waste collection service is available to any premises within the corporate limits of the city, the monthly charge for making such services available to the premises shall be the applicable rate stated from time to time in the contract between the city and its solid waste collection contractor for such services. Any amendment of the rates in such garbage collection contract or any successor thereto shall automatically amend the rates under this section.

(d-1) *Temporary service for clean-up.* A customer may obtain temporary water and sewage treatment for a period of ten days. The fee for this service is \$25.00, payable in advance, and no deposit is required. The \$25.00 fee covers the charges for up to 2,000 gallons of water and the sewage treatment charges resulting from a 2,000 gallon water bill, but not any other charges, such as tapping fees, any penalties, or any damages, or any other charges. The additional charges for water in excess of 2,000 gallons and for sewage treatment resulting therefrom shall be as provided in this chapter.

(e) *Billing procedure and due date; manner of timely payment; returned checks; effect of delinquency.*

(1) *Due date.* All charges for water, sewer, and solid waste collection services shall be due and payable by the fifteenth day (the due date) of the month next following the month during which any portion of such services are furnished or made available to the premises.

(2) *Manner of timely payment.* In order to be timely paid, such payment must be either: (a) received by the city at city hall on or before the due date; or (b) both mailed to the correct address for the city, postage prepaid, United States First-Class Mail, with a postmark on or before the due date, and in addition actually received by the city on or before the tenth calendar day after the due date. The postmark shall be prima facie proof of the date of mailing.

(3) *Returned checks.* If any person tenders to the city in payment for such services a check, draft or other order for the payment of money drawn upon any bank, savings and loan association or other depository, and the payment thereof is refused by such drawee because the drawer at the time the same was presented for payment had insufficient funds on deposit with such drawee or for any other reason, such person shall be obligated to pay to the city, in addition to all other charges, a returned check fee of \$30.00 for each such unpaid check, draft or order.

(4) *Cutoff for nonpayment.* If any portion of any charges under this chapter is not paid by the tenth calendar day after the due date, then the city shall have the right to cut off or disconnect water service to the premises, and such service shall not be reconnected, and no additional water shall be furnished, until all past due charges have been paid in full, together with the appropriate fee specified in item (6) of subsection (a) of [section 12-9](#) of this chapter.

(f) Reserved.



- (g) *Rate for excess water use.* The following rates designed to encourage water conservation shall apply to the excess use of water at any premises within the city:

Meter Size (Inches)	Rate
5/8 or 3/4	\$2.00 per 1,000 gallons greater than 15,000 gallons per month
1 or 1½	\$2.00 per 1,000 gallons greater than 80,000 gallons per month
2	\$2.00 per 1,000 gallons greater than 240,000 gallons per month

The rate for excess use of water where the meter at any premises is above two inches shall be set by agreement between the city council and the customer.